

EXHIBIT E

TIMOTHY M. HICKS
AHERN vs SIG SAUER

February 23, 2024

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1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MASSACHUSETTS

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5 THOMAS R. AHERN,

6 Plaintiff,

7 vs.

No. 1:21-cv-11007-DJC

8 SIG SAUER, INC., AND CITY OF CAMBRIDGE,

9 Defendants.
10 -----

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12
13 VIDEOCONFERENCE DEPOSITION of TIMOTHY M.
14 HICKS, taken on February 23, 2024, at 9:11 A.M., in
15 Lisle, Illinois, before Adam Caleb, Digital
16 Reporter and Notary public of the State of New York.
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3 had taken photographs of and working with Mr. Villani
4 on measurements that we were taking together.

5 Q. Okay. Did you make any notes of what you
6 observed Mr. Watkins doing during that inspection as
7 well?

8 A. Yes.

9 Q. Okay. And the photographs that you took at
10 the inspection, would you have taken photographs of
11 some of the measurements that you took?

12 A. I believe I did, but just to finish that
13 answer, most of the measurements I referenced in my
14 report were taken from the CT scan.

15 Q. And the inspection of the pistol -- when did
16 that take place?

17 A. I think it was October of 2022.

18 Q. Was it October 13th?

19 A. That's what I have in my report. Yes.

20 Q. Where did that inspection take place?

21 A. I'm sorry. I didn't hear you.

22 Q. Sorry. I asked you where the inspection took
23 place. I mean, was it at NSI in Marlborough?

24 A. It was.

25 Q. Okay. Was Peter Villani at that inspection

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3 with you?

4 A. Yes.

5 Q. Was Derek Watkins at that inspection as well?

6 A. Yes.

7 Q. Were any other experts at that inspection?

8 A. I don't believe there were any other experts

9 there.

10 Q. Okay. And at that inspection, the pistol
11 went through a CT scan and some 2D X-rays, correct?

12 A. Yes.

13 Q. Did you do any testing of the P320 pistol at
14 the inspection?

15 A. Testing, no. And that was not the intent of
16 the inspection. I did cycle the firearm a couple of
17 times just to get a feel for it.

18 Q. What was the intent of the inspection of the
19 P320 from what you wanted to get out of the
20 inspection?

21 A. The main takeaway was going to be the CT scan
22 to be able to memorialize the condition of the firearm
23 when it's energized or cocked, and that's all we did.
24 The 2D scans just show the functionality of other
25 components, and then the other main takeaway was to

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3 reviewed his deposition transcripts. You reviewed

4 some other deposition transcripts, as you've

5 discussed. Looked at some CT scans of the pistols.

6 You looked at the pistol. You took some photographs.

7 You took some measurements, looked at some testing

8 that had been produced to you and collected some

9 information about the pistol. You collected some

10 information about the incident itself, right? And

11 collected the data that you had. Is that an accurate

12 statement?

13 A. Yes. And -- and the only piece of that that

14 was missing was comparing the other similar incidents,

15 the videos and the reports of other incidents

16 involving the P320.

17 Q. Sure. And I think that sort of goes into

18 two, which I was going to get into, which is going

19 into analyze data. But collecting the data, you

20 gathered the information that you had available to

21 you.

22 A. Yep. I'm sorry.

23 Q. Yeah. About the P320, right? So you got

24 information about the model pistol and you got

25 information about the subject incident, and that's

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3 A. Correct.

4 Q. And then you have listed the inspection, the
5 CT scans, the Peter Villani inspection photographs,
6 your inspection photographs, and then you have the
7 complaint listed. So you had this information and
8 then you also had, as you mentioned, the folder that
9 you had of the -- I believe it was seven other P320
10 incident videos, right?

11 A. Yes.

12 Q. Okay. So you have your data that you
13 compiled. And then too, you analyzed that data, and
14 you set forth your analysis of that data within the
15 body of your report, correct?

16 A. Yes.

17 Q. Okay. And part of your analysis of that data
18 was to take some measurements and make some
19 observations and come to some conclusions about what
20 you've identified as some manufacturing defects as
21 outlined within your report, correct?

22 A. Yes. Taken the -- take those measurements,
23 calculating what it means as relative to the drawings,
24 and then that's a testing that I utilized to determine
25 that the parts in the subject firearm do not meet the

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3 were looking at alleged defects within the gun, but
4 you have done no calculations or testing to show that
5 they will actually lead to a discharge without a
6 trigger pull, correct?

7 A. The testing and calculations I did is to
8 measure the parts and compare it to the drawings.

9 Q. Right.

10 A. That's what I did to develop my opinions.

11 Q. Correct. And those opinions are that they
12 don't meet the drawings, but you have not done any
13 calculations or testing that that in turn will lead to
14 a discharge without a trigger pull.

15 A. I'm not sure I agree with that. The defects
16 that I identify will lead to an uncommanded discharge,
17 so it's not only the assessment of this subject
18 firearm. It's also the other videos that show the
19 firearm going off when it's in somebody's holster and
20 the other, what, 200 plus incidents reported across
21 the country.

22 Q. So let's talk about that. You talk about
23 other incidents reported across the country. You have
24 been retained as an expert in Hilton v. Sig, right?

25 A. Yes.

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3 A. Thank you.

4 MR. MCKENDRY: Peter, I think you are muted.

5 MR. LEVITT: Thank you.

6 EXAMINATION

7 BY MR. LEVITT:

8 Q. Mr. Hicks, you testified that in your
9 inspection of the Ahern firearm, you identified
10 certain defects, correct?

11 A. Yes, sir.

12 Q. And you identified that there were parts that
13 were designed in a way that didn't meet Sig Sauer's
14 drawing specifications?

15 A. Correct.

16 Q. And it was a conclusion that because of these
17 defects, the firearm would not necessarily operate as
18 intended; is that correct?

19 MS. DENNISON: Objection to form.

20 THE WITNESS: That's correct.

21 BY MR. LEVITT:

22 Q. Since nobody asked you to do so, why don't we
23 actually identify the defects that you identified that
24 you feel are pertinent to the question of whether the
25 Ahern P320 is susceptible to an uncommanded discharge.

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And maybe you could do these by sort of like

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numbering them, like number 1, number 2 --

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A. Okay.

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Q. -- in some sort of order. We're going to

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pull up your report. If you want to refer to your

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report at all in connection with your testimony, you

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are welcome to do so.

10

A. Okay. It's probably best to go to my summary

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and opinions at the end so we don't belabor all the

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specific measurements that I took. So the --

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Q. So maybe you could just start though, Mr.

14

Hicks -- if you have got your report --

15

A. Uh-huh.

16

Q. -- if you could start with the big picture.

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What are the -- sort of identify the key points -- the

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key defects that you identify.

19

A. Okay. As I was asked by Ms. Dennison,

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the -- there is two so called internal safety features

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of the design of this firearm that Sig has described.

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Those being the striker to sear interface and then the

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safety lock.

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And as I describe in my report, both those have

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to fail for the uncommanded discharge to occur. So

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3 that's the high level. And then the report walks
4 through the analysis of the parts that are part of
5 that analysis.

6 Q. Okay. Well, let's start with the striker
7 sear connection. Your report mentions that these are
8 MIM pieces, MIM parts with no secondary machine.

9 A. That's correct.

10 Q. Is that correct?

11 A. Yes, sir.

12 Q. What does that mean?

13 A. MIM is molded -- metal injection molding.
14 People probably have heard of plastic injection
15 molding more than they have with metal injection
16 molding. But it's a common process that is used out
17 there where they take powdered metal and some
18 binding -- binder materials, inject it into a mold
19 that typically has two halves. The parts are formed,
20 and they are heat treated after they are formed to
21 bake out the binder and that type of thing.

22 So it's -- those two are MIM parts. And
23 this -- in some of the literature that I have relied
24 on, the ASM documentation for powder metal components
25 describes a need when there are critical surfaces or

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critical dimensions on those parts being designed with
MIM that they should be secondarily machined. And
they are not in this particular case.

Q. And you are talking about the striker and the
sear, correct?

A. That's correct. The two main, primary
components that make up that first feature.

Q. And those are MIM parts that are manufactured
somewhere and then essentially dropped into the
firearm?

A. That's correct. Yeah. SIG purchases those
parts from an outside supplier overseas somewhere and
then brought into their factory to be assembled into
the firearm.

Q. And what is the purpose of secondary
machining?

A. It's to control or to ensure that the part
meets the design intent. So if you have a critical
dimension or a critical surface on the parts that you
are designing, you would use some type of secondary
machining, like a actual machining, or grinding.
Something to remove the radiused edges and the rough
surfaces that exist when there -- the parts are

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3 created with the MIM process.

4 Q. And were the MIM parts, the striker and the
5 sear, that you inspected in this case, had those been
6 secondarily machined?

7 A. No. They have not.

8 Q. And in any of the firearms, any of the P320's
9 that you have inspected, has the striker and the sear
10 had secondary machining?

11 A. They have not. In none of the firearms that
12 I have inspected or have seen from other cases -- none
13 of them have been secondarily machined.

14 Q. And you have testified about a precarious
15 connection between the striker and the sear. Can you
16 describe what you mean by that?

17 A. Sure. Kristen had asked about the CT scan
18 measurements that I made on that connection. The
19 lower leg, or -- or step -- I'm sorry. The leg of the
20 striker pin itself is that first surface, and it's
21 forward edge engages with a step that is molded into
22 the sear to create that engagement between those two
23 parts that occurs when you cock or energize the
24 firearm.

25 And that, by design, is less than a millimeter

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3 overall, as far as the available engagement surface.

4 And neither the striker nor the sear in that area are

5 machined to engage -- to make -- ensure that

6 the -- you are getting the full engagement between

7 those two parts.

8 Q. And what makes you say that the results of

9 the CT scan and the inspection show that the actual

10 design does not meet the drawing specifications with

11 regard to the striker and the sear connection?

12 A. Yeah. And Kristen had walked me through the

13 CT scan images that I have in the report and then

14 adjacent to those, I have the sections of the Sig

15 drawings that apply to the areas that I am measuring

16 with the CT scan.

17 So I take a measurement on the CT scan. Those

18 measurements have been verified by the microscope and

19 by the outside lab that did measurements. And then I

20 take those measurements and compare it to the drawing

21 specs that have been supplied.

22 Q. So is that a big deal that it doesn't -- that

23 the design doesn't meet the drawing specifications?

24 A. Well, the --

25 MS. DENNISON: Objection to the form.

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THE WITNESS: -- the designers of this, to begin with, felt it was important to put certain dimensions, and certain features, and certain characteristics on the drawings at the onset. And the intent is, like I have with the automotive industry for several years, is to get the parts produced that will meet that specification.

And most manufacturers will take those parts, and measure them, you know as part of the first articles that are received, and verify that they do meet that spec.

If they don't, then it can't be expected to operate as intended.

BY MR. LEVITT:

Q. And the way in which the striker and sear engagement fails to meet the drawing specifications, is it your view that that failure makes it more likely or less likely that that engagement would disengage without a trigger pull?

MS. DENNISON: Objection to form.

THE WITNESS: Because of the lack of meeting the drawing specifications -- and I'll just use the radius -- radii as an example. If you have a larger

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3 radius on the bottom of the striker foot, it will
4 release from the sear earlier than if it was made per
5 the drawing. So because of that, it will not operate
6 and will release earlier than the design intent -- had
7 intended.

8 BY MR. LEVITT:

9 Q. So if it had been designed to spec, that
10 connection would have been more solid than it was?

11 A. That's correct.

12 MS. DENNISON: Objection to form.

13 BY MR. LEVITT:

14 Q. Now, so that's the striker and the sear. You
15 also mentioned the safety lock as another component of
16 the -- sort of the safety design of the firearm; is
17 that correct?

18 A. Yes. And again, to use Sig's nomenclature,
19 it's the second internal safety feature that
20 they -- that they claim the firearm exhibits.

21 Q. And did your inspection -- in your
22 inspection, did you determine whether, with respect to
23 the Ahern firearm, that system was designed to spec?

24 A. It was not. We did -- we did verify that
25 with the same process as the other components.

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3 a lot smaller and a lot lower -- smaller gauge than
4 anything you probably have seen.

5 But that will go into a stamping press, which has
6 a specific dye set manufactured to produce these
7 parts. And I liken it to, like a cookie cutter. As
8 it goes into the dye, the first stage will cut out the
9 outline for the part. And either in that stage or at
10 a secondary stage, you will do any additional forming
11 of the part, such as the tab that engages with
12 the -- with the striker pin.

13 Q. Why don't we look at figure 11 in your
14 report? It's at page 12.

15 A. Okay.

16 MS. DENNISON: I still have control. I'll
17 put it up. Unless you want me to relinquish control
18 to you, but I'm happy to put it up.

19 MR. LEVITT: Could you give control over,
20 Kristen?

21 MS. DENNISON: Oh, do you think I'm the kind
22 of person who can give control over, Peter? I can. I
23 have to close out of it, and then you can just go in
24 and pop the document up, and you should be able to
25 take control. Okay. So I'll close out, and then you

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3 A. Yes, in the right hand image. That's
4 correct.

5 Q. Okay. And is that the -- so what is the sort
6 of -- there is something that looks like kind of like
7 a golf club.

8 A. That's exactly how I described it. That is
9 the -- at least a cross section of the safety lock
10 with a tab kind of the -- well, it's supposed to be a
11 horizontal portion at the top in the middle of that
12 yellow circle.

13 Q. Okay. So if this were -- and this an example
14 of something that was not designed to spec?

15 A. Correct. The angle between the vertical
16 piece and the horizontal piece is supposed to be at 90
17 degrees.

18 Q. So that sort of golf club is supposed to be
19 flush with no gap in between it and that sort of
20 horizontal wall there?

21 A. Correct. In fact, if you look at Mr.
22 Watkins' report and the graphics that they have in
23 there -- and I think Mr. Toner's reports in past
24 cases, it shows a very flush fit and the very end of
25 that golf club area being very close to the vertical

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3 identified in connection with the fire control unit?

4 A. Yes. You asked me about figure 12 in my
5 report, which is page 13 at the top.

6 Q. Yes.

7 A. This is a slice through looking at
8 the -- from the rear of the firearm. And the angles
9 and dimensions in yellow on the right hand side are of
10 the so called rails of the -- the main stamping of the
11 fire control unit. So that stamping is what all the
12 other components in the fire control unit itself are
13 assembled to. So that whole thing then sits into the
14 grip module.

15 Q. Okay. And did you identify particular
16 defects in this respect?

17 A. Yes. The main defect are the angles, again,
18 of the -- what is supposed to be a 90 degree bend.
19 But I'm only showing two. There are two out of four
20 of these tabs or rails that are created that go into
21 the -- or that ride into slots in a slight assembly.
22 They are supposed to be 90. I had one that is almost
23 20 degrees out of spec, and the other one is what, 13,
24 almost 14 degrees out of spec. So those are supposed
25 to be 90, and they are much greater than that.

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3 Q. And these are stamped --

4 A. That is a --

5 Q. -- parts again?

6 A. Yes. That is a stamped and formed part also.

7 Correct.

8 Q. And is figure 11 on page 12 also an example

9 of this? Or is that --

10 A. Yes.

11 Q. -- is that figure 11 on the left?

12 A. Yes. With the blue circles is another view
13 of that relationship of the stamping that we were just
14 talking about and the slide rails or the slide
15 assembly.

16 Q. And those blue circles -- so those parts are
17 supposed to fit neatly into that area at a 90 degree
18 angle?

19 A. Yes. They are supposed to fit in there
20 neatly and squarely. Yes.

21 Q. So that the end of that piece will be flush
22 against the wall, I guess I'll call it?

23 A. That's the intent. Correct.

24 Q. Okay.

25 A. Almost flush. There is going to be some

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3 saying that it cannot be expected to perform as
4 intended because of those defects.

5 Q. And so just so I can sort of try to
6 understand this as a layperson, if the slide assembly
7 and the grip -- if the connection between the slide
8 assembly and the grip module is continuous or there is
9 variations in it, and it can move, then that could
10 affect the parts within those two assemblies, i.e. the
11 striker and the sear, and how they interact?

12 A. Correct.

13 MS. DENNISON: Object to form.

14 BY MR. LEVITT:

15 Q. And why don't you just -- maybe you can put
16 that in your own words.

17 MS. DENNISON: Object to form. Go ahead.

18 THE WITNESS: Yes. It's the --

19 BY MR. LEVITT:

20 Q. My question is, could you put that sort of
21 interaction into your own words?

22 A. Yes. The -- the -- like I just described the
23 tabs on this fire control unit stamping that are not
24 made at 90 degrees. There are four of these tabs that
25 are probably a maximum of half inch long, but that's

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3 just a guess at this point. I'm not looking at the
4 drawing.

5 But those four locations control the positioning
6 of the slide assembly to the grip module assembly. So
7 if there is excessive play or slack in between those
8 two parts, and if the parts are not made to the design
9 intent, directly it impacts the positioning of the
10 slide -- I'm sorry -- the striker to the sear, the
11 first defects that we were talking about.

12 So it contributes to the variation of that
13 precarious joint that is at issue here.

14 Q. So if there is some play or movement between
15 the slide assembly and the grip module, that could
16 impact the connection between the striker and the
17 sear, which already has a precarious connection; is
18 that accurate?

19 MS. DENNISON: Objection to form.

20 THE WITNESS: There is excessive play between
21 the two assemblies. Kristen will probably follow up
22 with a question about what is an appropriate amount of
23 clearance between the two. It has to have some in
24 order for it to function. And related to that there
25 would also be a certain amount of lubrication that

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manual safety in the P320?

A. Yes, California for sure. I don't recall specifically if Massachusetts does, but I believe they do also.

Q. So California for sure you know?

A. Yes.

Q. You testified repeatedly that a -- to test the Ahern P320 to try to replicate his uncommanded discharge would not be realistic and practical. Do you recall that?

A. Yes.

Q. You were never asked why it would not be realistic and practical, so I thought I'd ask you that. Why would it not be realistic and practical?

A. Well, the first step is you need to collect the data from usage of the firearm for all the different scenarios that we talked about today. The forces imparted on it in and out of the holster, the firearm -- the loads on the firearm when it's in a holster, you know, on a person, getting in and out of a vehicle, running with it, you know, apprehending suspects, whatever the case may be.

And trying to quantify all those inputs into a

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3 test. And then the test would have to be developed to
4 replicate that or reproduce it in that same
5 environment, which would be in a holster, coming in
6 and out of a holster, and all the dynamics that went
7 into the description of the activities of the -- of
8 the firearm being used to generate that test.

9 And to do that realistically, you are probably
10 looking at a several month process of test duration,
11 you know, to get to the point to where this subject
12 firearm was used, and the amount of use, and firing
13 that it actually had put into it.

14 So that's another difficulty in trying to
15 replicate that test. You also have to stop it to
16 remove the firearm to test fire, you know, so many
17 rounds through it, to field strip it to clean it,
18 lubricate it, put it back in, and continue running the
19 test in order to try to comprehend and test for what
20 lead to uncommanded discharges.

21 So it's just a very complicated and complex
22 process. And expensive.

23 Q. Yeah. I mean, the way that the questions
24 were -- that you were fielding earlier made it sound
25 like it's just a question of shaking it. You just,

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3 you know, shake the gun and see if it goes off. But
4 wouldn't that be enough?

5 MS. DENNISON: Objection to form.

6 THE WITNESS: No. For the -- the reasons
7 that I gave Ms. Dennison when she asked me too,
8 it's -- that's only one condition. You know, the
9 vibration or the shock testing that she asked about,
10 the same firearms and the same fixture, but nobody is
11 firing them in between and nobody is using them. And
12 that same test does not necessarily comprehend the
13 loads with the firearm in a holster.

14 BY MR. LEVITT:

15 Q. So I mean, correct me if I'm wrong, what you
16 are saying is that it's not a single impulse or a
17 single vibration that's important here? It's the life
18 of the firearm that's important?

19 A. Correct.

20 Q. And so in order to try to replicate that in a
21 test, you have to try to replicate the life of that
22 firearm?

23 MS. DENNISON: Objection to form.

24 THE WITNESS: Correct. Correct. And it's
25 the same thing that we did in the automotive industry.

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3 We would collect the data, develop a test, and with a
4 certain level of confidence and reliability hoping
5 that test does replicate the average use of that
6 product. So the same thing would apply with these
7 firearms.

8 BY MR. LEVITT:

9 Q. And is it feasible to do that in this context
10 to try to replicate the life of -- well, it would
11 really have to be that specific firearm, right,
12 because you already testified that each of these
13 firearms are going to be different. The internal
14 parts are going to be different, and the variances are
15 going to be different, correct?

16 A. That's correct.

17 MS. DENNISON: Objection to form.

18 THE WITNESS: Ideally, we --

19 BY MR. LEVITT:

20 Q. In order to --

21 A. Yep. Sorry.

22 Q. Yeah. In order to have a reliable test, you
23 would need to have that same firearm with those same
24 predicate defects, correct?

25 MS. DENNISON: Objection to form.

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3 THE WITNESS: That is correct. Correct.

4 BY MR. LEVITT:

5 Q. And then you would have to replicate the life
6 of that particular firearm with whoever was handling
7 it --

8 MS. DENNISON: Objection to form.

9 BY MR. LEVITT:

10 Q. -- and however that person was -- let me say
11 however that person was handling it?

12 A. That -- that's correct.

13 Q. And is it your view that what happens to
14 these firearms in terms of the connections becoming
15 less tight is something that happens over time, or is
16 it something that happens just in an instant, and
17 that's what causes the discharge?

18 MS. DENNISON: Objection to form.

19 THE WITNESS: It's -- it's over time. You
20 know, the springs are degrading over time as the
21 firearm is used. There is different levels of
22 contamination or dirt, or even grease and lubricant
23 when they are cleaning the firearms. And then there
24 is wear of the components in the interfaces that we
25 have been talking about today. All of that leads to a

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3 degradation of the overall system and maybe to the
4 uncommanded discharge.

5 BY MR. LEVITT:

6 Q. And then could impulses or impacts that the
7 firearm has had over that long time period contribute
8 to that degradation?

9 MS. DENNISON: Objection to form.

10 THE WITNESS: Yes.

11 BY MR. LEVITT:

12 Q. So if, for example, I think you read that
13 Lieutenant Ahern dropped his firearm a couple of days
14 before the discharge here. Is that type of impact
15 that could make those connections more precarious?

16 A. Yes.

17 MS. DENNISON: Objection to form.

18 THE WITNESS: All of that leads into the wear
19 and tear on the firearm.

20 BY MR. LEVITT:

21 Q. So rather than trying to replicate all of
22 those conditions, a manufacturer could do a CT scan of
23 the firearm to see if it meets its own specifications?

24 MS. DENNISON: Objection to form.

25 THE WITNESS: Correct. Correct.

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3 BY MR. LEVITT:

4 Q. Ms. Dennison asked you some questions about
5 holsters and how many holsters are there out there.
6 Would you expect Sig Sauer, when it's manufacturing
7 this firearm, to be testing the safety of the firearm,
8 of the P320, in a holster -- do you remember all of
9 those questions?

10 A. I do.

11 Q. Okay. Isn't the real question whether once
12 Sig Sauer is on notice of numerous allegations of the
13 P320 discharging in a holster, that then might be a
14 good time for them to test the safety of the P320 in a
15 holster?

16 MS. DENNISON: Objection to form.

17 THE WITNESS: That certainly makes sense.
18 And that's what we did in the automotive industry. If
19 you would see a trend with a product outside of what
20 you had expected, you would then do additional
21 testing, additional investigation to address those
22 issues.

23 BY MR. LEVITT:

24 Q. You were shown the transportation balance
25 test that you say you did. Do you remember that?

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3 A. On the new firearm, that's correct, or the 2
4 of the 10 firearms, correct.

5 Q. But isn't that sort of an example of what
6 you've been talking about that overtime different
7 conditions impact the firearm and make that connection
8 less tight?

9 MS. DENNISON: Objection to form.

10 THE WITNESS: Yes. And -- and, you know, me
11 being the inquisitive engineer, I probably would have
12 wanted to see those two firearms continue on with that
13 test to see if it did beyond that one hour test lead
14 to a disconnecting of those two components.

15 MS. DENNISON: Peter, how much longer do you
16 think you have?

17 MR. LEVITT: Not that much longer.

18 BY MR. LEVITT:

19 Q. And sort of along these lines, there was a
20 host of questions about sort of what impulse caused
21 Lieutenant Ahern's firearm to discharge. What
22 vibration, what impulse, what shock? Do you remember
23 all those questions?

24 A. Yes.

25 Q. And I think at one point in answering those,

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3 thousands of parts in the automotive industry where
4 the vibration is a portion of it, but you also want to
5 have tests that the -- that are representative of
6 other conditions. It goes beyond just vibration or
7 shock testing.

8 Q. I think you also said -- when Mr. Levitt was
9 asking you some questions, I think you said that part
10 of -- I mean, you indicated that you would not expect
11 all P320s to have susceptibility to discharge without
12 a trigger pull. Did I hear that correctly?

13 A. Some are more susceptible than others, yes.
14 I mean, with two to three million of these things in
15 circulation, there would be enough time in the day for
16 me to investigate all of them if they were all
17 susceptible to it. There are varying degrees.

18 Q. And you would have to inspect them to be able
19 to determine whether they exhibited the same types of
20 feedback that you're alleging Mr. Ahern's pistol has,
21 correct?

22 A. I would expect to find similar issues with
23 the components at issue that we have -- that I have
24 identified in Mr. Ahern's pistol. I haven't inspected
25 a firearm in these cases yet that had all the